

1 Maya Kol
2 Reg. No. 61613-065
3 FDC SeaTac
P.O. Box 13900
4 SeaTac, WA 98198

FILED
LODGED
ENTERED
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DEC - 5 2001 DM

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

6
7 IN THE UNITED STATES DISTRICT COURT
8
9 FOR THE WESTERN DISTRICT OF WASHINGTON

10 Maya Kol,) NO. CV
11 A# 25-292-264,)
12 Petitioner,)
13 v.) PETITION FOR WRIT OF HABEAS
14 JOHN D. ASHCROFT, Attorney) CORPUS BY A PERSON IN FEDERAL
15 General; UNITED STATES) CUSTODY PURSUANT TO 28 U.S.C.
16 IMMIGRATION AND NATURALIZATION) S 2241
17 SERVICE, and ROBERT S. COLEMAN,)
JR., District Director, Seattle)
District,)
18 Respondents.)

19 *Dam* FILED
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21 1. Name and location of place of confinement:
Federal Detention Center, SeaTac, 2425 S. 200th Street, SeaTac,
Washington 98198, pursuant to a contractual arrangement with my
custodian, the INS District Director at Seattle, Washington.

22 2. Name and location of court causing confinement:

23 INS District Director, Seattle, Washington.

24 3. Case Name and Number: [INS file number, if known]
A# 25-292-264

25 4. Date of judgment of conviction: [Date of Order of Confinement]
INS Custody: August 6, 2001; INS Order of Removal: September 5, 2001

26 5. Sentencing Date: N/A



1 17. GROUNDS FOR RELIEF:

2 A. My indefinite detention by respondent INS is in violation of my
3 rights to procedural and substantive due process, as guaranteed by
the Fifth Amendment to the United States Constitution.

4 B. My indefinite detention by respondent INS is in violation of
5 the six-month limitation set forth in former 8 U.S.C. §§ 1252(c)
and (d).

6 C. The substantive provisions of AEDPA and IIRIRA may not,
7 consistent with their terms and with due process requirements, be
given retroactive effect in my case.

8 D. Because I am seeking relief related only to my custody status,
9 which is not inconsistent with an order of deportation, exhaustion
of administrative remedies, if any, is not required.

10 E. My detention is unconstitutional, because I am not a flight
risk, and I do not present a danger to society.

11 F. My detention is unconstitutional, because I am not an
12 aggravated felon.

13 G. My indefinite detention is unlawful because the INS has no
14 statutory authority pursuant to 8 U.S.C. § 1231(a)(6) to
15 indefinitely detain me, because my removal cannot be effectuated
in the foreseeable future. Zadvydas v. Davis, 121 S.Ct. 2491 (U.S.
June 28, 2001) (No. 99-7791).

16 H. I was taken into INS custody on August 6, 2001. I was ordered
17 deported to Cambodia on September 6, 2001. I waived my appeal of
that order. My order of deportation became final on September 6,
2001. As of today's date, the INS has not been able to effectuate
my removal. I have done everything the INS has asked of me to try
to get travel documents, and will cooperate fully in any requests
that they have for information that will help that process.
However, it is my belief that my home country, Cambodia, will
categorically deny me travel documents no matter what I do or say,
because there is currently no formal or informal agreement between
the United States and Cambodia and there is nothing I can do to
facilitate that diplomatic process.

22 I.

23 J.

25 18. Do you have any petition or appeal now pending in any court or
26 administrative body as to the claims raised above? *No*

27 19. Have you exhausted your administrative remedies with respect to
28 the claims raised above?

See 17(D), above.

1 20. State the administrative remedies that you pursued?

2 (a) Nature of Review:

3 (b) Result:

4 (a) Nature of Review:

5 (b) Result:

6 (a) Nature of Review:

7 (b) Result:

8 21. Give the name and addresses, if known, of each attorney who
9 represented you in the following stages of the underlying
10 judgment:

11 (a) At preliminary hearing: N/A

12 (b) At arraignment and plea: N/A

13 (c) At change of plea: N/A

14 (d) At trial: N/A

15 (e) At sentencing: N/A

16 (f) On appeal: N/A

17 (g) In any post-conviction proceedings: N/A

18 (h) On appeal from any adverse ruling in post conviction
proceedings: N/A

19 (i) Other:

20 (j) Other:

21 22. Do you have any future sentence to serve after you complete the
sentence imposed by the underlying judgment in your case? *No*

23 24. If you are seeking leave to proceed in forma pauperis, have
you completed the sworn affidavit setting forth the required
information?

25 Yes.

26

27

28

PRAYER FOR RELIEF

Based upon the illegal and unconstitutional actions listed above, I request that the Court grant my petition and direct respondent to release me from custody, as well as any other relief to which I may be entitled in this proceeding under 28 U.S.C. § 2241.

I verify, under penalty of perjury, that the foregoing information is true and correct to the best of my recollection.

Dated: 9-12-01, 2001.

Respectfully submitted,

Maya Kol
No. 61613-065
FDC SeaTac
P.O. Box 13900
SeaTac, WA 98198-1090

In Propria Persona